

REMARKS / DISCUSSION OF ISSUES

Claims 1-14, 16-17 and 20-21 are pending in the application.

Objection to the Drawings

Applicants submit herewith a Replacement Sheet of Drawings for sheet 5/6 and including changes to Figs. 5D and 5E. In particular, a lead line to reference character 19-1 is amended to be consistent with Fig. 6 for example. No new matter is added.

In the Advisory Action, the Examiner states that the amendments to the drawings do not overcome the objections. In particular the Examiner indicates that Figs. 6 and 7 contain an error in labels 21 and 22. Applicants demur. Recess 21 is properly labeled in Figs. 6 and 7. Moreover, contact region 19-1 is properly labeled in Figs. 5D, 5E, 6 and 7 as well.

As a result of the amendments to the drawings, Applicants submit that the objections are moot and should be withdrawn.

Objections to the Claims and Rejections under 35 U.S.C. § 112, ¶ 2

The objections to claims 6, 16, 17, 18 and 19 and rejections of claims 18 and 19 for indefiniteness have been addressed via amendment. Notably, improper multiple dependency have been deleted; and claims 18 and 19 are cancelled. The issues presented in this rejection do not exist in new claims 20 and 21, which encompass the subject matter of claim 15 in independent form.

Rejections under 35 U.S.C. § 102

Claims 1, 6-9, 16 and 17 are rejected under 35 U.S.C. § 102(b) as being allegedly unpatentable over Toyota Corp. (JP 2002313572 A). For at least the reasons set forth herein, Applicants respectfully submit that a *prima facie* case of anticipation has not been established.

A proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See, e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

i. Claim 1

Claim 1 recites:

*An electroluminescent device comprising a substrate, a light emissive structure on the substrate, the light emissive structure comprising organic light emissive material disposed between **first and second electrode layers** for supplying charge carriers into the organic material to cause it to emit light, the first and second electrode layers respectively underlying and overlying the organic light emissive material, and an **electrically conductive region underlying the light emissive structure on the substrate, the second electrode layer and the electrically conductive region being in electrical connection through the thickness of the organic light emissive material.***

The Office Action directs Applicants to the organic electroluminescence film 32a for the organic light emissive material; anode 31a and negative pole 33a for the first and second electrodes; and to anode 31b for the alleged disclosure of the electrically conductive region underlying the light emissive structure. Specifically, and with the correction included from the Advisory Action, the Office Action asserts that the second

overlying electrode layer 33a and the underlying conductive region 31b are in electrical connection through the thickness of the OL emissive material 32a.

Applicants respectfully submit that anode 31b is not connected through the layer 32a, but rather anode 31b is connected to cathode 33a to effect a series connection of the OL layered product 3a and the OL layered product 3b. As such, no connection as claimed in claim 1 is provided.

Thus, and for at least the reasons set forth above, Applicants respectfully submit that the applied art fails to disclose at least one feature of claim 1.

ii. Claim 9

Claim 9 recites:

*A method of fabricating an electroluminescent device comprising fabricating a light emissive structure on a substrate, the **light emissive structure comprising organic light emissive material disposed between first and second electrode layers for supplying charge carriers into the organic material to cause it to emit light, the first and second electrode layers respectively underlying and overlying the organic light emissive material, and an electrically conductive region underlying the light emissive structure on the substrate, and forming an electrical connection between the second electrode layer and the electrically conductive region through the thickness of the organic light emissive material.***

The rejection of claim 9 is essentially the same as the rejection of claim 1, which is improper for at least the reasons set forth above. Therefore, Applicants respectfully submit that the applied art fails to disclose at least one feature of claim 9 for at least the reasons set forth above.

Because the applied art fails to disclose at least one feature of each of claims 1 and 9 a *prima facie* case of anticipation has not be established based thereon. Thus, claims 1 and 9 are patentable over the applied art. In addition, claims 2-8 and 10-14, 16, 17, which depend from claims 1 and 9, respectively, are patentable for at least the same reasons and in view of their additionally recited subject matter.

Rejections under 35 U.S.C. § 103

The rejections of claims 2, 4, 5 and 14 have been considered. While in no way conceding the propriety of these rejections, at least because claims 2,4,5 and 14 depend from one of claims 1 or 9, these claims are patentable for at least the same reasons and in view of their additionally recited subject matter.

General Comments on Rejections of Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicant believes that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicant does not, however, necessarily concur with the interpretation of any dependent claim as set forth in the Office Action, nor do Applicant concurs that the basis for the rejection of any dependent claim is proper. Therefore, Applicant reserves the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

Conclusion

In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:
Phillips Electronics North America Corp.

/s/William S. Francos/

by: William S. Francos (Reg. No. 38,456)

Date: March 13, 2009

Volentine & Whitt, PLLC
Two Meridian Blvd.
Wyomissing, PA 19610
(610) 375-3513 (v)
(610) 375-3277 (f)